

BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation)	Case No. 16-96-69148
Against:)	
)	
GEORGE ALAN EVANS, M.D.)	DEFAULT DECISION
1205 Dunbar Drive)	
Columbia, MO 65203)	
)	
Physician's and Surgeon's)	
Certificate No. A-45873,)	
)	
Respondent.)	
)	

On or about April 23, 1997, service of Accusation number 16-96-69148, Statement to Respondent, Notice of Defense in blank, and copies of relevant sections of the California Administrative Procedure Act as required by sections 11503 and 11505 of the Government Code, was attempted on respondent George Alan Evans, M.D. (hereinafter "respondent") by certified mail with return receipt. The return receipt was signed by respondent's agent Eric Stanley on April 26, 1997. (See Exhibit 1, attached hereto.)

Respondent George Alan Evans, M.D. failed to file a Notice of Defense within the fifteen days allowed by section 11506 of the Government Code. As a result, the default of respondent was entered. Respondent has thereby waived his right to a hearing to contest the Accusation, and the Division of Medical Quality now proceeds without hearing to take action based upon the Accusation, declarations, and documentary evidence on file in accordance with

Government Code sections 11505(a) and 11520.

FINDINGS OF FACT

The allegations of the Accusation, a true and correct copy of which is attached hereto as Exhibit 2 and incorporated by reference herein, are found to be true. (See also Exhibit 3 hereto, Record of Out-of-State Discipline.)

DETERMINATION OF ISSUES

Pursuant to the foregoing Findings of Fact, respondent has committed acts constituting unprofessional conduct in violation of Business and Professions Code sections 141(a) and 2305.

DISCIPLINARY ORDER

Physician's and Surgeon's certificate number A-45873 issued to George Alan Evans, M.D. is revoked.

Respondent shall not be deprived of making a request for relief from default as set forth at Government Code section 11520(c) for good cause shown. However, such showing must be made in writing by way of motion to vacate the default decision and directed to the Division of Medical Quality, Medical Board of California at 1430 Howe Avenue, Sacramento, CA 95825 within seven (7) days of service of this decision.

This decision shall become effective on September 22, 1997

DATED: August 22, 1997

MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By


Ira Lubell, M.D.
Division of Medical Quality

EXHIBIT 2

DANIEL E. LUNGREN, Attorney General
of the State of California
GAIL M. HEPPELL,
Supervising Deputy Attorney General
FRED A. SLIMP II
Deputy Attorney General
1300 I Street, Suite 125
P. O. Box 944255
Sacramento, CA 94244-2550
Telephone: (916) 324-7861

Attorneys for Complainant

BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation) Case No. 16-96-69148
Against:)
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GEORGE ALAN EVANS, M.D.) ACCUSATION
1205 Dunbar Drive)
Columbia, MO 65203)
)
Physician's and Surgeon's)
Certificate No. A-45873,)
)
Respondent.)

The Complainant alleges:

PARTIES

1. Complainant, Ronald Joseph, is the Executive
Director of the Medical Board of California (hereinafter the
"Board") and brings this accusation solely in his official
capacity.

2. On or about March 20, 1989, physician's and
surgeon's certificate number A-45873 was issued by the Board to
George Alan Evans, M.D. (hereinafter "respondent"). Said certificate

1 expired on May 31, 1994, and is in delinquent status.

2 **JURISDICTION**

3 3. This accusation is brought before the Division of
4 Medical Quality of the Medical Board of California, Department of
5 Consumer Affairs (hereinafter the "Division"), under the authority
6 of the following sections of the California Business and
7 Professions Code (hereinafter "Code"):

8 A. Section 2227 of the Code provides that a licensee
9 who is found guilty under the Medical Practice Act may have
10 his or her license revoked, may be suspended for a period not
11 to exceed one year, may be placed on probation and required to
12 pay the costs of probation monitoring, or have such other
13 disciplinary action taken against him or her as the Division
14 may deem proper.

15 B. Section 2305 of the Code provides in pertinent part
16 that the revocation, suspension, or other discipline,
17 restriction, or limitation imposed by another state upon a
18 license or certificate to practice medicine issued by that
19 state constitutes grounds for disciplinary action for
20 unprofessional conduct in California.

21 C. Section 2427(a) of the Code provides in pertinent
22 part that any license which has expired may be renewed at any
23 time within five (5) years following expiration on filing of
24 an application for renewal and payment of all accrued renewal
25 fees and any delinquency fees, if any.

26 D. Section 118(b) of the Code provides in pertinent
27

1 part that the expiration of a license shall not deprive the
2 Board of authority to commence or continue a disciplinary
3 proceeding or to impose a disciplinary order during any time
4 within which said license may be renewed.

5 E. Section 125.3 of the Code provides in pertinent
6 part that the Board may request the administrative law judge
7 to direct any licensee found to have committed a violation
8 or violations of the licensing act to pay the Board a sum
9 not to exceed the reasonable costs of the investigation and
10 enforcement of the case.

11 F. Section 141(a) of the Code provides that
12 disciplinary action taken against a holder of a California
13 physician's and surgeon's certificate by another state, agency
14 of the federal government, or another country for conduct
15 substantially related to the practice of medicine may be
16 grounds for disciplinary action by the Board.

17 G. Section 16.01 of the 1996/97 Budget Act of the State
18 of California provides, in pertinent part, that: (a) no funds
19 appropriated by this act may be expended to pay any Medi-Cal
20 claim for any service performed by a physician while that
21 physician's license is under suspension or revocation due to
22 a disciplinary action of the Medical Board of California; and
23 (b) no funds appropriated by this act shall be expended to pay
24 any Medi-Cal claim for any surgical service or other invasive
25 procedure performed by a physician if that physician has been
26 placed on probation due to a disciplinary action of the
27

1 Medical Board of California related to the performance of that
2 specific service or procedure on any patient, except in any
3 case where the Board makes a determination during its
4 disciplinary process that there exist compelling circumstances
5 that warrant continued Medi-Cal reimbursement during the
6 probationary period.

7 4. Respondent is subject to discipline within the meaning of
8 Code sections 141(a) and 2305 as more particularly set forth below.

9 **FIRST CAUSE FOR DISCIPLINE**

(Out-of-State Discipline)

10 [Bus. & Prof. Code §§ 141(a), 2305]

11 5. On or about September 9, 1996, the Missouri State
12 Board of Registration for the Healing Arts revoked respondent's
13 Missouri medical license on the grounds of his prior felony
14 conviction of statutory sodomy in the first degree on March 11,
15 1996, following his guilty plea in the Circuit Court of Boone
16 County, Missouri. The Missouri board found the conviction involved
17 moral turpitude and was reasonably related to the qualifications,
18 functions or duties of a physician.

19 6. The disciplinary action taken by the Missouri State
20 Board of Registration for the Healing Arts against respondent's
21 Missouri medical license as set forth in paragraph 5, above,
22 constitutes grounds for discipline within the meaning of Code
23 sectiona 141(a) and 2305.

24 **PRAYER**

25 **WHEREFORE** complainant requests that a hearing be held
26 on the matters herein alleged, and that following the hearing, the
27

1 Division issue a decision:

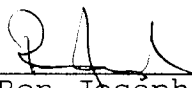
2 1. Revoking or suspending physician's and surgeon's
3 certificate number A-45873, heretofore issued to respondent George
4 Alan Evans, M.D.;

5 2. Revoking, suspending or denying approval of the
6 respondent's authority to supervise physician assistants, pursuant
7 to Business and Professions Code section 3527;

8 3. Ordering respondent to pay the Division the actual
9 and reasonable costs of the investigation and enforcement of this
10 case and, if respondent is placed on probation, the costs of
11 probation monitoring; and

12 4. Taking such other and further action as the Division
13 may deem necessary and proper.

14 DATED: April 23, 1997.

15
16
17 
18 Ron Joseph
19 Executive Director
20 Medical Board of California
21 Department of Consumer Affairs
22 State of California

23 Complainant

24 forms\accuse [115 rev]

EXHIBIT 3



MISSOURI

DEPARTMENT OF ECONOMIC DEVELOPMENT

Mel Carnahan
Governor

Division of Professional Registration
Randall J. Singer, Director

Joseph L. Driskill
Director

STATE BOARD OF REGISTRATION FOR THE HEALING ARTS

3605 Missouri Boulevard
P.O. Box 4
Jefferson City, MO 65102-0004
573-751-0098
573-751-3166 FAX
800-735-2966 TDD

Tina Steinman
Executive Director

CERTIFICATION

I, C.C. Reynolds, M.D., Chief Medical Officer, Missouri State Board of Registration for the Healing Arts, Department of Economic Development, and chief records custodian of same, do hereby certify that the enclosed copies are true and correct copies of the below listed original documents on file with the Missouri State Board of Registration for the Healing Arts, Department of Economic Development in the case of George A. Evans, M.D., (Last known address) Boyce & Bynum Pathology Labs, 2703 Clark Lane, Columbia, MO 65202, SS# [REDACTED], DOB [REDACTED].

Complaint For Automatic Revocation Filed 05/30/96, Notice of Automatic Revocation Hearing dated 06/05/96 and Findings of Fact, Conclusions of Law and Disciplinary Order effective 09/09/96 sent to Hattie Johnson, Enforcement Analyst, Medical Board of California, Discipline Coordination Unit, 1426 Howe Avenue, Suite 93, Sacramento, CA 95825-3236.

MISSOURI STATE BOARD OF REGISTRATION FOR THE HEALING ARTS

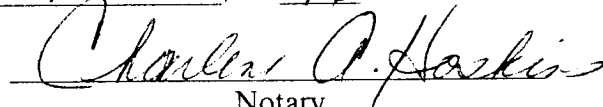
BOARD SEAL

BY: 
Name

Chief Medical Officer

Title

Subscribed and sworn to before me this 20th day of

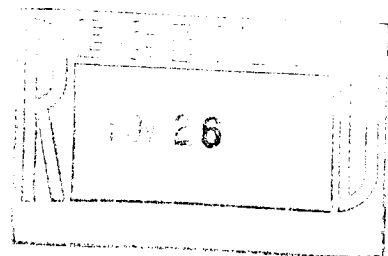
November, 19 96

Notary

My Commission expires:

CHARLENE A HOSKINS
NOTARY PUBLIC STATE OF MISSOURI
COLE COUNTY

Notary Seal

* In the event this information is to be released to a third party, please advise the Board of Healing Arts office.





STATE OF NEW YORK
DEPARTMENT OF HEALTH

Office of Health Systems Management - Corning Tower The Governor Nelson A. Rockefeller Empire State Plaza Albany, New York 12237

Barbara A. DeBuono, M.D., M.P.H.
Commissioner

November 14, 1996

RECEIVED

NOV 18 1996

**BOARD OF
HEALING ARTS,**

Alden Henrickson, Executive Director
Missouri State Board of Registration for the Healing Arts
3604 Missouri Boulevard
P.O. Box 4
Jefferson City, MO 65102

RE: George Alan Evans, M.D.
OPMC #19H-CO-96-11-4387A
NYS License #161268
MO License #~~23242~~ 36474

Dear Mr. Henrickson:

The Office of Professional Medical Conduct is currently investigating Dr. Evans as a result of information received from the Federation of State Medical Boards regarding disciplinary action in your State.

In furtherance of this investigation, please provide this office with certified copies of the following documents relating to that action:

1. Statement of Charges or Accusation
2. Notice of Hearing
3. Final Order, Stipulation, Finding of Fact and Conclusions of Law

Additionally, if the disciplinary action resulted in imposition of probationary terms or restrictions in practice, please provide information concerning Dr. Evan's compliance with those terms or restriction.

Please forward these documents to my attention at the above address. If you have any questions concerning this matter, please contact me at (518) 474-8357. Thank you.

Sincerely,

Christopher Morley
Supervising Investigator
Office of Professional Medical Conduct

BEFORE THE
STATE BOARD OF REGISTRATION FOR THE HEALING ARTS
STATE OF MISSOURI

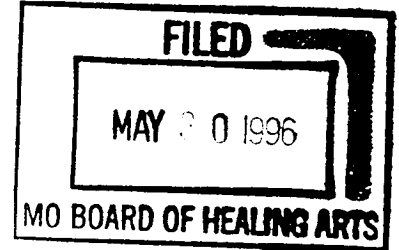
STATE BOARD OF REGISTRATION
FOR THE HEALING ARTS
3605 Missouri Boulevard
Jefferson City, MO 65102

Petitioner,

v.

GEORGE A. EVANS, M.D. 519923
Fulton Reception & Diagnostics Center
P.O. Box 190
Fulton, MO 65251

Respondent.



No. HA01008680

COMPLAINT FOR AUTOMATIC REVOCATION

Comes now the State Board of Registration for the Healing Arts, by and through its attorney, the Attorney General for the State of Missouri, and for its cause of action states:

1. The State Board of Registration for the Healing Arts is an entity created under § 334.120, RSMo 1994, for the purpose of enforcing the provisions of Chapter 334, RSMo, by registering, licensing, and supervising all physicians and surgeons.

2. Section 334.103, RSMo 1994, states, in pertinent part:

1. The license of a physician shall be automatically revoked at such time as the final trial proceedings are concluded whereby a physician has been adjudicated and found guilty, or has entered a plea of guilty or nolo contendere, in a felony criminal prosecution under the laws of the state of Missouri, the laws of any other state, or the laws of the United States of America for any offense reasonably related to the qualifications, functions or duties of a physician, or for any felony offense, an essential element of

which is fraud, dishonesty or an act of violence, or for any felony offense involving moral turpitude, whether or not sentence is imposed, or, upon the final and unconditional revocation of the license of a physician to practice the healing arts in another state or territory upon grounds for which revocation is authorized in this state following a review of the record of the proceedings and upon a formal motion of the state board of registration for the healing arts. The license of any such physician shall be automatically reinstated if the conviction or the revocation is ultimately set aside upon final appeal in any court of competent jurisdiction.

3. George A. Evans, M.D. (hereinafter Respondent) is licensed by the Board, License Number MD36474. Respondent's certificate of registration is not current.

4. On March 11, 1996, Respondent pled guilty to statutory sodomy in the first degree in a proceeding styled *State of Missouri v. George A. Evans*, Case number CR0195-047298, in the Circuit Court of Boone County, Missouri, ("*State v. Evans*"), which is a felony offense, an essential element of which is an act of violence, is a felony offense involving moral turpitude, and an offense reasonably related to the qualifications, functions or duties of a physician.


5. A genuine copy of Respondent's Sentence and Judgment in *State v. Evans* has been attached and marked as Exhibit A and is incorporated herein by reference.

6. Based on the foregoing, cause exists for the Board to automatically revoke the license of George A. Evans, M.D., License Number MD36474.

WHEREFORE, pursuant to the provision of § 334.103, RSMo 1994, the Board shall conduct an automatic revocation hearing in accordance with the provisions of Chapter 536, RSMo, to determine whether cause exists to automatically revoke Respondent's license and shall thereafter issue its Findings of Fact, Conclusions of Law, and Order.

Respectfully submitted,

JEREMIAH W. (JAY) NIXON
Attorney General


Lawrence G. Rebman
Assistant Attorney General
Missouri Bar No. 44559

7th Floor, Broadway State
Office Building
221 West High Street
P.O. Box 899
Jefferson City, MO 65102
314-751-1444

Attorneys for Petitioner

State of Missouri
VS
GEORGE A. EVANS

Case Number: C J195-047298F

Date of Birth: [REDACTED]

Social Security No: [REDACTED]

On MARCH 11, 1996, JIM LYNN, the attorney for the state, the defendant and the attorney for the defendant, ROBERT ALAN KELLY, appear in Division 1.

On MARCH 11, 1996, the defendant is found GUILTY UPON HIS PLEA OF GUILTY to the offenses of

1. STATUTORY SODOMY--1ST DEGREE FEL
OCN: 95053292 Date of Offense: 07-01-1995

The court determines that the plea is voluntary.

The court informs the defendant of the verdict and asks the defendant whether he has any legal cause to show why judgment and sentence should not be pronounced. The Court finds no legal cause.

On the above charges the Court enters the following:

1. STATUTORY SODOMY--1ST DEGREE
On MARCH 11, 1996, in Division 1
Incarceration in: DEPARTMENT OF CORRECTIONS
For: 15 YEARS To begin: 03-13-1996

DEFENDANT GIVEN CREDIT FOR ALL TIME SERVED
DEFENDANT TO BE HELD AT BOONE COUNTY JAIL UNTIL
9:00 A.M. MARCH 13, 1996 FOR PURPOSE OF VISIT WITH
EX WIFE ONLY.

On MARCH 11, 1996, Division 1 of the Court further orders

Crime Victims Compensation Fund: \$46.00

Thereafter on MARCH 11, 1996, Division 1 of the Court orders

The Court further advises the defendant of the right to proceed under RULE 24.035 and examines the defendant as to the assistance of counsel. The Court finds no probable cause to believe counsel has been ineffective. Trial counsel will

SENTENCE AND JUDGMENT
IN THE CIRCUIT COURT OF BOONE COUNTY, MISSOURI

GEORGE A. EVANS

Case Number: CR0195-047298F

continue to represent the defendant.

The Circuit Clerk is to deliver a certified copy of this judgment and commitment to the Sheriff of Boone County.

The Sheriff is authorized one deputy to transport the defendant to the Division of Adult Institutions.

The Official Court Reporter is to transcribe proceedings and file transcript herein within 30 days.

GENE HAMILTON
CIRCUIT JUDGE
Division 1

I certify that the above is a true copy of the original judgment and sentence of the Court in the above cause as it appears on record in my office.

Issue Date: 03-14-1996

BY: _____

CHERYL WHITMARSH
CIRCUIT CLERK

Deputy Clerk

I have read or have had read to me the judgment and sentence and conditions set out. I agree to comply with this sentence and any conditions of probation.

STATE OF MISSOURI } SS
COUNTY OF BOONE

I, CHERYL WHITMARSH, Clerk of the Circuit Court of Boone County, Missouri, hereby certify the above and ~~thereby~~ is a full, true and correct copy of *Sentence & Judgement* as fully as the same remains of record in my said office. IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said office this 14 day of March 19 96

CHERYL WHITMARSH, CLERK
Circuit Clerk of Boone County, MO

BY _____

Ruby Coleman
Deputy Clerk

BEFORE THE
MISSOURI STATE BOARD OF REGISTRATION
FOR THE HEALING ARTS

STATE BOARD OF REGISTRATION)	
FOR THE HEALING ARTS,)	
)	
Petitioner,)	
)	
v.)	Case No. HA01008680
)	
GEORGE A. EVANS, M.D. 519923)	
)	
Respondent.)	

NOTICE OF AUTOMATIC REVOCATION HEARING

TO: George A. Evans, M.D.	Certified Mail No.
Fulton Reception & Diagnostics Center	P 331 179 745
P.O. Box 190	
Fulton, MO 65251	
 Robert A. Kelly	 Certified Mail No.
3703 Pimlico Drive	P 331 179 746
Columbia, MO 65201	
 Lawrence Rebman	 Hand Delivered
Assistant Attorney General	
7th Floor, Broadway Building	
Jefferson City, MO 65102	

PLEASE TAKE NOTICE that the Missouri State Board of Registration for the Healing Arts, being in receipt of the Complaint for Automatic Revocation filed with the Board on May 30, 1996 hereby notices you for a hearing. A copy of the Complaint is attached to this notice.

NOW THEREFORE, the Missouri State Board of Registration for the Healing Arts shall, pursuant to section 334.103, RSMo 1994, hold a hearing to determine whether cause exists for the automatic revocation of your license on Saturday, July 20, 1996 at 10:45 a.m. at the Inn at Grand Glaize, Hwy. 54, Lake Road 40, Osage Beach, MO, 573/348-4731.

All parties have the right to be represented by legal counsel and to a full, fair and open hearing. Any and all correspondence or pleadings which the parties wish to be filed with the Board should be sent in writing to the State Board of Registration for the Healing Arts, Attention: Tina Steinman, P.O. Box 4, Jefferson City, Missouri 65102.

Please note that the hearing is scheduled for fifteen (15) minutes. Should the hearing extend beyond the time allotted, the Board may conduct as much of the hearing as its schedule will permit on the date contained in this notice and continue the hearing at a later time or date during this Board meeting or at a subsequent meeting.

Dated this 5 day of June, 1996.

State Board of Registration
for the Healing Arts

Tina Steinman
Tina Steinman
Acting Executive Director

(S E A L)

BEFORE THE
STATE BOARD OF REGISTRATION FOR THE HEALING ARTS
STATE OF MISSOURI

STATE BOARD OF REGISTRATION)	
FOR THE HEALING ARTS,)	
)	
Petitioner,)	
)	
v.)	Case No. HA01008680
)	
)	
GEORGE EVANS, M.D.)	
)	
Respondent.)	

**FINDINGS OF FACT, CONCLUSIONS OF LAW
AND DISCIPLINARY ORDER**

Findings of Fact

1. The State Board of Registration for the Healing Arts ("the Board") is an agency of the State of Missouri created and established pursuant to § 334.120, RSMo, for the purpose of executing and enforcing the provisions of Chapter 334, RSMo 1994.
2. George Evans, M.D., Respondent, is licensed by the Board, license number MD36474. Respondent's certificate of registration is not current.
3. On August 7, 1995, Respondent pled guilty to statutory sodomy in the first degree in a proceeding styled *State of Missouri v. George A. Evans*, case number CR0195-047298, in the Circuit Court of Boone County, Missouri.
4. Statutory sodomy in the first degree is a felony offense involving moral turpitude, and an offense reasonably related to the qualifications, functions or duties of a physician.
5. Pursuant to § 334.103, RSMo, this Board set this matter for an Automatic Revocation

hearing on July 20, 1996 and served notice of this hearing upon Respondent in a proper and timely fashion.

6. Respondent was not present for the hearing and no one appeared on his behalf. The Board was represented by Assistant Attorney General Lawrence G. Rebman.

7. All the members of this Board were present throughout the automatic revocation hearing, except for Dr. Valerie Walker, and all members, except for Dr. Valerie Walker, participated in the Board's deliberation, vote and order.

8. The Board finds that Respondent's guilty plea in the case styled *State of Missouri v. George Evans*, case number CR0195-047298, in the Circuit Court of Boone County, Missouri is grounds for which revocation is authorized in Missouri pursuant to § 334.103, RSMo 1994.

Conclusions of Law

1. This Board has jurisdiction over this proceeding pursuant to § 334.103, RSMo 1994.

2. The Board concludes that Respondent pled guilty to a felony of statutory sodomy in the first degree, an offense involving moral turpitude, and an offense reasonably related to the qualifications, functions or duties of a physician.

3. The Board concludes that Respondent's guilty plea in the case styled *State of Missouri v. George Evans*, case number CR0195-047299, in the Circuit Court of Boone County, Missouri is grounds for which revocation is authorized in Missouri under § 334.103, RSMo 1994.

Order

Pursuant to the above Findings of Fact and Conclusions of Law, IT IS HEREBY ORDERED that upon the effective date of this Order the license of Respondent, George Evans, M.D., numbered

MD36474, to practice the healing arts in the State of Missouri shall be and is hereby REVOKED. The State Board of Registration for the Healing Arts further ORDERS that Respondent shall not apply for reinstatement of his license for seven (7) years from the effective date of this Order. Respondent is directed to immediately return to the Board his wall-hanging certificate, license and pocket card, and all other indicia of licensure.

IT IS SO ORDERED, effective September 9, 1996

State Board of Registration
for the Healing Arts

Tina Steinman
Tina Steinman
Acting Executive Director

(S E A L)